

ORDINANCE
NO. 116172-130
Jo O + J -
Dear: 3-20-77 (#2)

AN ORDINANCE relating to the codification of King County Resolutions and Ordinances, Title 21 K.C.C. Zoning; amending Section 235, Resolution 25789 and Section 21.04.185 K.C.C.; adding new sections to Resolution 25789 and Title 21 K.C.C.; repealing Sections 216, 236, 296, 297, 299.30, 2905, 2906, 2907, 2908, 2909, Resolution 25789 and (parts) Resolution 33880 and Sections 21.04.090, 21.04.190, 21.04.490, 21.04.500, 21.04.660, 21.60.060, 21.60.070, 21.60.080, 21.60.100, 21.60.110 21.60.120 K.C.C.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 235, Resolution 25789 and Section 21.04.185 K.C.C. is amended to read as follows:

"Commission" means the ((King-County-Planning-Commission-))
Environmental Development Commission.

NEW SECTION SECTION 2. There is added to Title 21 K.C.C. and Resolution 25789 a new section to read as follows:

"Adjustor" means the Director of Planning or his designee appointed as Zoning Adjustor in accordance with Chapter 20.23.020.

NEW SECTION SECTION 3. There is added to Title 21 K.C.C. and Resolution 25789 a new section to read as follows:

"Area Zoning" means the procedures initiated by King County which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, deals with natural homogeneous communities, distinctive geographic areas and other types of districts having unified interests within the County. Area zoning, unlike a reclassification usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the County's current land use policy in zoning map form.

NEW SECTION SECTION 4. There is added to Title 21 K.C.C. and Resolution 25789 a new section to read as follows:

"Council" means the King County Council.

NEW SECTION SECTION 5. There is added to Title 21 K.C.C. and Resolution 25789 a new section to read as follows:

"Conditional use" means a use listed among those classified in

1 any given zone but permitted to locate only after review by the
2 Zoning Adjustor and the granting of a conditional use permit imposing
3 such design and performance standards as will make the use compatible
4 with other permitted uses in the same vicinity and zone and assure
5 against imposing excessive demands upon public utilities.

6 NEW SECTION SECTION 6. There is added to Title 21 K.C.C. and
7 Resolution 25789 a new section to read as follows:

8 "Department" means the King County Department of Planning.

9 NEW SECTION SECTION 7. There is added to Title 21 K.C.C. and
10 Resolution 25789 a new section to read as follows:

11 "Examiner" means the Zoning and Subdivision Examiner as
12 established by Article 5, Ordinance 00263.

13 NEW SECTION SECTION 8. There is added to Title 21 K.C.C. and
14 Resolution 25789 a new section to read as follows:

15 "Ordinance" means a legislative enactment by the Council.

16 NEW SECTION SECTION 9. There is added to Title 21 K.C.C. and
17 Resolution 25789 a new section to read as follows:

18 "Reclassification" means a change in the zoning classification
19 by procedures initiated by an individual or group of individuals who
20 during the intervals between Area Zoning map adoptions, wish to
21 petition for a change in the zoning classification which currently
22 applies to their individual properties.

23 NEW SECTION SECTION 10. There is added to Title 21 K.C.C. and
24 Resolution 25789 a new section to read as follows:

25 "Variance" means an adjustment in the application of the
26 regulations of a zoning ordinance to a particular piece of property,
27 in a situation where the property, because of special circumstances
28 found to exist on the land, is deprived, as a result of the imposition
29 of the zoning regulations, of privileges commonly enjoyed by other
30 properties in the same vicinity and zone. The adjustment in the
31 application of the regulations shall remedy the disparity in
32 privilege. It shall not be used to convey special privileges

1 not enjoyed by other properties in the same vicinity and zone.

2 NEW SECTION SECTION 11. There is added to Title 21 K.C.C. and
3 Resolution 25789 a new section to read as follows:

4 The decision of the adjustor shall be final unless the original
5 applicant on an adverse party files an appeal to the Board of Appeals.

6 NEW SECTION SECTION 12. There is added to Title 21 K.C.C. and
7 Resolution 25789 a new section to read as follows:

8 Application for a reclassification, unclassified use permit,
9 planned unit development or subdivision of land shall be presented
10 to the Department. When it is found that an application meets the
11 filing requirements of the Department and the rules of the Examiner,
12 it shall be accepted and a date assigned for public hearing. Before
13 rendering a decision on any such application, the Examiner shall
14 hold at least one public hearing thereon.

15 NEW SECTION SECTION 13. There is added to Title 21 K.C.C. and
16 Resolution 25789 a new section to read as follows:

17 When such application has been set for public hearing, the
18 Department shall coordinate and assemble the reviews of other
19 departments and governmental agencies having an interest in subject
20 application and shall prepare a report summarizing the factors
21 involved and the Department findings and recommendation. At least
22 seven (7) days prior to the scheduled hearing the report shall be
23 filed with the Examiner and copies thereof shall be mailed to the
24 applicant and shall be made available for use by any interested
25 party.

26 NEW SECTION SECTION 14. There is added to Title 21 K.C.C. and
27 Resolution 25789 a new section to read as follows:

28 The Examiner shall have the power to prescribe rules and
29 regulations for the conduct of hearings before him subject to con-
30 firmation of the Council; and also to issue summons for, and compel
31 the appearance of witnesses, to administer oaths, and to preserve
32 order. The privilege of cross-examination of witnesses shall be

1 accorded all interested parties or their counsel in accordance with
2 the rules of the Examiner.

3 NEW SECTION SECTION 15. There is added to Title 21 K.C.C. and
4 Resolution 25789 a new section to read as follows:

5 When the Examiner renders a decision of recommendation, he shall
6 make and enter findings from the record and conclusions thereof which
7 support his decision and the findings and conclusions shall set forth
8 and demonstrate the manner in which the decision recommended carries
9 out and helps to implement the goals and objectives of the Compre-
10 hensive Plan, the Zoning Code, the Subdivision Code and other
11 official policies and objectives for the growth of King County and
12 that the granting of the requested reclassification will not be
13 unreasonably incompatible with or detrimental to affected properties
14 and the general public; provided that in any case where a reclassi-
15 fication is recommended at least one of the following circumstances
16 shall be found to apply:

17 1. That substantial evidence was presented demonstrating the
18 subject reclassification appears not to have been specifically
19 considered at the time of the last previous area zoning of the
20 subject property, or

21 2. That the property is potentially zoned for the reclassifi-
22 cation being requested and conditions have been met which would
23 indicate the change is appropriate, or

24 3. That since the last previous area zoning of the subject
25 property, authorized public improvements, permitted private develop-
26 ment or other circumstances affecting the subject property have
27 undergone significant and material change.

28 NEW SECTION SECTION 16. There is added to Title 21 K.C.C. and
29 Resolution 25789 a new section to read as follows:

30 Any aggrieved person feeling that the decision of the Examiner
31 is based on errors of procedure or fact may make a written request
32 for review by the Examiner within fourteen (14) days of the

1 conclusion of the hearing. This request shall set forth the alleged
2 errors and the Examiner may, after a review of the record, take such
3 further action as he deems proper and may render a revised decision.

4 NEW SECTION SECTION 17. There is added to Title 21 K.C.C. and
5 Resolution 25789 a new section to read as follows:

6 Within five (5) days of the conclusion of a hearing, the
7 Examiner shall render a written decision and shall transmit a copy
8 of his decision by registered mail to the applicant and other parties
9 of record in the case requesting same. At the expiration of the
10 fourteen (14) day period provided for a rehearing or within five
11 (5) days of the conclusion of a rehearing, if one is conducted, the
12 Examiner shall file his decision, together with the recommended
13 implementary ordinance if required, with the Clerk of the Council.
14 Thereupon the Clerk shall place the proposed ordinance on the agenda
15 of the next Council meeting on second reading. The concurrence in
16 any other decisions of the Examiner shall be accomplished by motion
17 of the Council.

18 NEW SECTION SECTION 18. There is added to Title 21 K.C.C. and
19 Resolution 25789 a new section to read as follows:

20 The hearing by the Examiner as provided for by Section 12 of
21 this Ordinance shall constitute the hearing by the Council; however,
22 an aggrieved party may submit an appeal in writing to the County
23 requesting additional consideration provided that written notice of
24 such appeal is filed with the Clerk of the Council within fourteen
25 (14) days of the conclusion of the hearing, rehearing or reconsid-
26 eration, whichever occurs later, and that the written appeal is
27 filed with the Clerk of the Council within twenty-one (21) days of
28 the latest of the aforementioned actions.

29 If, after examination of the written appeal and the record, the
30 Council determines, that (1) an error in fact may exist in the
31 record, it shall remand the proceeding to the Examiner for reconsid-
32 eration as provided in Section 16 of this Ordinance, or if the

1 Council determines that, (2) the decision of the Examiner is based
2 on an error in judgement or conclusion, it may modify or reverse the
3 decision of the Examiner.

4 The Council's consideration shall be based upon the record only;
5 however, the Council may publicly request additional information of
6 the appellant and the Examiner at its discretion.

7 NEW SECTION SECTION 19. There is added to Title 21 K.C.C. and
8 Resolution 25789 a new section to read as follows:

9 The Council shall take final action on any decision of the
10 Examiner by motion of concurrence or by adoption of an ordinance,
11 and when so doing, it shall make and enter findings of fact from the
12 record and conclusions therefrom which support its action. Said
13 findings and conclusions shall set forth and demonstrate the manner
14 in which the action carries out and helps to implement the goals and
15 objectives of the Comprehensive Plan, the Zoning Code, the Subdivision
16 Code and other official policies and objectives for the development
17 of King County. The Council may adopt all or portions of the
18 Examiner's findings and conclusions.

19 NEW SECTION SECTION 20. There is added to Title 21 K.C.C. and
20 Resolution 25789 a new section to read as follows:

21 The action of the Council approving or rejecting a decision of
22 the Examiner shall be final and conclusive unless within twenty (20)
23 days from the date of the action an aggrieved party or person obtains
24 a writ of certiorari from the Superior Court in and for the County
25 of King, State of Washington, for the purpose of review of the action
26 taken.

1 SECTION 21. Sections 216, 236, 296, 297, 299.30, 2905, 2906,
2 2907, 2908, 2909, Resolution 25789 and (parts) Resolution 33880 and
3 Sections 21.04.090, 21.04.190, 21.04.490, 21.04.500, 21.04.660,
4 21.60.060, 21.60.070, 21.60.080, 21.60.100, 21.60.110, 21.60.120
5 K.C.C. are each repealed.

6 PASSED by the Council at a regular meeting thereof on the
7 20th day of March, 1972.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 Wesley J. Owens
11 Chairman

12 ATTEST:

13 Lee Kraft
14 Administrator-Clerk of the Council

15
16 APPROVED this 29th day of March, 1972.

17
18 Ed Spellman
19 King County Executive
20
21
22
23
24
25
26
27
28
29
30
31
32